

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

BENSON ADEYEMI OLUWAROTIMI,

Plaintiff,

1

ICE FIELD OFFICE DIRECTOR et al.

Defendants.

CASE NO. 3:11-cv-05307-RBL-JRC

REPORT AND RECOMMENDATION

NOTED FOR : SEPTEMBER 2, 2011

This 42 U.S.C. § 1983 civil rights action has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. §§ 636(b)(1)(A) and (B) and Local Magistrate Judge Rules MJR 1, MJR 3, and MJR 4. Plaintiff has not paid the filing fee and did not file an application to proceed in forma pauperis. Further, this court entered an order requiring him either to pay the fee or file an application. That order has been returned as undeliverable. The court does not have a current address for the plaintiff.

The court recommends denial of all pending motions and dismissal of this action for failure to pay the filing fee or file an application to proceed in forma pauperis. Plaintiff appears to have abandoned this litigation.

A district court has wide discretion in deciding whether to grant an inmate the privilege of proceeding in forma pauperis. Here the action cannot proceed as plaintiff has failed to pay the filing fee or move to proceed in forma pauperis.

Pursuant to 28 U.S.C. § 636(b)(1) and Fed. R. Civ. P. 72(b), the parties shall have fourteen (14) days from service of this Report to file written objections. See also Fed. R. Civ. P. 6. Failure to file objections will result in a waiver of de novo review by the District Court Judge. See, 28 U.S.C. 636 (b)(1)(C). Accommodating the time limit imposed by Rule 72(b), the clerk is directed to set the matter for consideration on September 2, 2011, as noted in the caption.

Dated this 8th day of August, 2011.

J. K. Ward (matua)

J. Richard Creature
United States Magistrate Judge